

Sec. 4. **CONDITIONAL APPROPRIATION.** If Senate File 508* is enacted by the Seventy-fourth General Assembly, 1991 Session, and following the initial appropriation of \$150,000 to the department of natural resources from the energy research and development fund, the remaining moneys shall be used and are appropriated for the purposes designated pursuant to section 601K.102.

Sec. 5. Section 403A.11, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. All dwellings which are part of housing projects and which are proposed to be rented to low-income families or the elderly through the programs of the United States department of housing and urban development shall have ceiling insulation having an R value of 38 in the attic, floor insulation having an R value of 20, or perimeter wall insulation having an R value of 10 beneath all habitable heated areas or over unheated spaces. In addition, basement walls shall have insulation with an R value of 6 to their full height, with insulation in the box sill having an R value of 20. As used in this section, "R value" means resistance to heat flow.

NEW UNNUMBERED PARAGRAPH. The insulation requirements of this section are effective for all dwellings, the construction of which begins on or after July 1, 1991. For dwellings existing or under construction prior to July 1, 1991, the dwelling must comply with the insulation requirements of this section by June 30, 1996.

Sec. 6. Section 601K.102, subsection 2, paragraph b, Code 1991, is amended to read as follows:
b. Moneys credited to the fund under section ~~556.18~~ 93.11.

Sec. 7. **CONDITIONAL EFFECTIVE DATE.** Sections 4 and 6 of this Act are effective only if Senate File 508* is enacted by the Seventy-fourth General Assembly, 1991 Session.

Approved June 7, 1991

CHAPTER 271

APPROPRIATIONS FROM LOTTERY FUND

S.F. 549

AN ACT relating to appropriations from the lottery fund.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, prior to any such transfer there is appropriated from the lottery fund to the following named entities, agencies, and funds for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

****1. The waste volume reduction and recycling fund:**

..... \$ 700,000

Moneys appropriated in this subsection shall be used as follows:

a. *One-half of the moneys shall be used for the purposes specified pursuant to section 455D.15, subsection 2. The moneys shall be allocated to each county on the basis of population. The county allocation shall be distributed quarterly by the department to each county. The county shall immediately distribute the funds to the cities based upon the proportion of the city's respective population to the total county population, and the county shall retain the portion of the funds based upon the proportion of the unincorporated area of the county to the total*

*Chapter 253 herein

**Item veto; see message at end of the Act

population of the county. The funds shall be used by the county and the cities for the implementation of the comprehensive plan elements required pursuant to section 455B.306 and relative to chapter 455D.

b. One-half of the moneys shall be used for the purposes specified pursuant to section 455D.15, subsection 3. Preference shall be given by the department of natural resources in providing grants that assist in the reduction of waste at its source.

2. The agricultural management account of the groundwater protection fund as provided in section 455E.11, subsection 2, paragraph "b", to be used for plugging abandoned wells and cisterns:

..... \$ 100,000

3. The groundwater protection fund created in section 455E.11 to provide grants to counties for rural water testing under section 455B.172, subsection 5:

..... \$ 100,000

4. The Iowa state university of science and technology for allocation to the Iowa state university water resource research institute for the purposes and under the conditions specified in section 99E.32, subsection 4, paragraph "e":

..... \$ 50,000

5. The environmental protection division of the department of natural resources to be used for the assessment and evaluation of surface water streams and rivers:

..... \$ 100,000

6. The soil conservation division of the department of agriculture and land stewardship to provide state soil and water conservation cost-sharing funds pursuant to sections 467A.42 through 467A.75:

..... \$ 200,000

7. The water protection fund created in section 467F.4, to be used for filter strips and waterways projects. The governing body of each soil and water conservation district shall identify those critical areas within the district where permanent grass and buffer zones would mitigate the effects of concentrated runoff on surface water quality. The governing body shall notify the landowners of those critical areas and provide the landowners with recommendations to establish these permanent grass and buffer zones, including any erosion control structures that may be appropriate, to mitigate the effects of concentrated runoff on surface water quality. In providing this notification and these recommendations, the governing body shall also inform the landowners that the establishment of these zones along with any erosion control structures may be eligible for financial assistance under the incentive programs within the water protection fund pursuant to section 467F.4 and may also qualify for cost-sharing funds pursuant to section 467A.48:

..... \$ 150,000

8. The soil conservation division of the department of agriculture and land stewardship for reforestation programs:

..... \$ 150,000

9. The Iowa energy center to be used for transportation studies and projects which enhance energy efficiency and self-sufficiency:

..... \$ 200,000

10. The department of agriculture and land stewardship, for on-farm alternative fuels demonstration projects:

..... \$ 100,000

11. The Iowa energy center to be used for competitive grants, for comprehensive, in-depth, community-wide projects to reduce energy consumption and enhance energy self-sufficiency. Cities, clusters of cities, and counties are eligible to apply for grants. Applications may be limited to building efficiency or vehicle efficiency or may contain both and shall contain a component for ongoing education concerning the goals of the plan and how to achieve those goals. The moneys under this subsection shall be allocated equally for building efficiency

and vehicle efficiency. However, if the moneys allocated to either category are not used or dedicated by April 1 of the fiscal year, the moneys may be reallocated to the other category:

..... \$ 200,000

12. To the department of natural resources for the administration of energy efficiency programs and projects:

..... \$ 150,000

13. a. To the renewable fuel fund established pursuant to Senate File 545, if enacted by the Seventy-fourth General Assembly, 1991 Session, to be used as provided in Senate File 545:

..... \$ 300,000

b. If Senate File 545 is not enacted and the renewable fuel fund is not established the \$300,000 that will not be appropriated under paragraph "a" shall be appropriated to the department of agriculture and land stewardship to be allocated as follows:

- (1) Up to forty percent may be dedicated to support promotion and advertising of ethanol fuel.
- (2) Up to thirty percent may be dedicated to support research at the university of Iowa.
- (3) Up to thirty percent may be dedicated to support research at Iowa state university of science and technology.

(4) The remaining balance shall be used by the department to support other projects or programs developed by the department for promoting ethanol fuel.*

14. To the Iowa resources enhancement and protection fund: \$ 2,500,000

15. The agency or entity to which moneys are appropriated or which oversee a fund to which moneys are appropriated under this section may use some of those moneys for administrative costs relating to the use of those moneys, including additional full-time equivalent positions. The acquisition of additional full-time equivalent positions authorized under this subsection are not subject to any freeze, set by the governor, or the limit, set by the general assembly, on the number of full-time equivalent positions that such agency or entity may have. The agency or entity that adds additional full-time equivalent positions shall report the fact and the purpose at the end of the applicable quarter to the fiscal committee of the legislative council.

Sec. 2. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, nor the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1991, and ending June 30, 1992, after deductions for expenses as provided in section 99E.10, subsection 1, and as appropriated under section 1 of this Act, shall not be transferred to and deposited into the CLEAN fund but shall be used to reimburse the general fund of the state for each dollar spent, up to the following amounts, as a result of the appropriations made for the following purposes:

- 1. Soil conservation cost share as administered by the department of agriculture and land stewardship, up to \$6,439,972.
- 2. Parks and preserves division, of the department of natural resources, up to \$5,377,899.
- 3. Forests and forestry division, of the department of natural resources, up to \$1,617,265.
- 4. Environmental protection division, of the department of natural resources, up to \$1,973,992.
- 5. Agricultural experiment station at Iowa state university of science and technology, up to \$18,165,260.
- 6. Leopold center at Iowa state university of science and technology, up to \$592,224.
- 7. Comparative agriculture research, up to \$3,948,492.

Notwithstanding section 8.33, money in the lottery fund not used for the reimbursement of general fund expenditure for the purposes and in the amounts specified in subsections 1 through 7 shall not revert to the general fund of the state but shall remain in the lottery fund. The appropriations from the general fund of the state for purposes specified in subsections 1 through 7 shall not be reduced or prorated if lottery revenues are insufficient to reimburse the general fund of the state for the appropriations for the purposes of subsections 1 through 7.

*Item veto; see message at end of the Act

Sec. 3. Notwithstanding House File 479,* section 301, subsection 2, paragraph "a", if enacted by the Seventy-fourth General Assembly, 1991 Session, the number of full-time equivalent positions authorized for the department of economic development, business development division, business development operations, is 16.

Approved June 7, 1991, except the items which I hereby disapprove and which are designated as Section 1, subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 in their entirety; and Section 1, subsection 15 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Madam Secretary:

I hereby transmit Senate File 549, an Act relating to appropriations from the lottery fund. Senate File 549 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated in Section 1, subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15, in their entirety. These items appropriate a total of \$2.5 million directly ("off-the-top") from the lottery fund for programs administered by the Department of Natural Resources, the Department of Agriculture and Land Stewardship and Iowa State University.

While I support many of these items, each is either a new program or a program expansion that cannot be approved at this time, given the state's difficult fiscal circumstances.

For the above reason, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 549 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD, *Governor*

CHAPTER 272

EQUAL RIGHTS AMENDMENT PROPOSED

Second Time Passed S.J.R. 1

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed.

Section 1 of Article I of the Constitution of the State of Iowa, is amended to read as follows:

RIGHTS OF PERSONS. SECTION 1. All men and women are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness. Neither the State nor any of its political subdivisions shall, on the basis of gender, deny or restrict the equality of rights under the law.

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Seventy-third General Assembly, 1989 Session, thereafter duly published, and now adopted and agreed to by the Seventy-fourth General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year nineteen hundred ninety-two in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

*Chapter 267 herein